

REMARKS

The claims in the application are now 28-54.

Favorable reconsideration of the application as amended is respectfully requested.

Claims 28-54 introduced herein are respectively directed to Claims 1-27 and amended to eliminate the formal rejections set forth in paragraphs 6-24 of the Office Action. In this regard, it is believed the Examiner intended to refer to Claim 18 (not 16) in paragraph 6 of the Office Action. The drawing correction requirement raised on Form PTO-948 accompanying the Office Action, has been noted. Appropriately-corrected formal drawings will be submitted to the Patent and Trademark Office after a Notice of Allowance is received.

In this regard, copies are enclosed of transmittal form PTO-1390 and confirming postcard to establish that the drawings were filed on September 17, 2001 together with the application papers, in response to the request by the Examiner in the telephone interview on May 3, 2004 (please see Interview Summary PTOL-413). It is not understood how a set of drawings could have possibly been transmitted by facsimile on September 11, 2001, as noted on the continuation sheet to Interview Summary PTOL-413. February 4, 2002 is the date the executed Declaration/Power of Attorney was received by the Patent and Trademark Office, i.e., the date all national phase filing requirements were completed.

In any event, as noted upon Interview Summary PTOL-413, Applicants can timely submit a corrected set of drawings to the Patent and Trademark Office after allowance. Accordingly, the only outstanding issue is the art rejection of the claims.

Claims 1-27 have been rejected under 35 U.S.C. 102 as being anticipated by U.S. Pat. No. 5,568,153 to Beliveau in paragraph 26 of the Office Action. However, it is respectfully submitted the set of claims, as presented herein, define patentable subject matter over this reference, for the following reasons.

In addition to eliminating the formal rejections set forth supra, Claims 28 and 43 recite, among other features, the predetermined overall area served by the network unit includes at least one radio cell transmitting a signal containing coordinates, with a calculation performed to determine whether the coordinates of the radio cell responsible for the transmission lie within the subscriber area. Support for this amendment is found throughout the text and drawings in the present application. Beliveau neither discloses nor suggests these inventive features.

More particularly, Beliveau discloses basing localization of a mobile phone on the time required for a signal to travel between two locations. As explicitly described at column 6, lines 15-28:

The time required for a signal to travel from the mobile station 20 to a base station is indicative of the distance from the mobile station to the base station. Once the base stations 21-23 are synchronized to start timing when the mobile station 20 transmits[sic] a signal, the time of reception at the base stations 21-23 establishes radii 24-26 upon which the mobile station must be located. When three or more base stations receive the signal, then the mobile station 20 is located at the intersection of the three or more radii.

Once the position of the mobile station is known, the position is converted to latitude and longitude coordinates, and it is determined whether the mobile station is within the subscriber's Home area [emphasis added].

Thus, the time for a signal to travel from the mobile station to a cell site base station is measured and indicative of the distance of the mobile phone from this base station. By using three or more base stations, it is possible, according to Beliveau, to determine

the location of the mobile station based upon the times required for the respective signals to travel between the mobile station and corresponding base stations. The mobile phone is located at the intersection of three or more radii.

This method and system of Beliveau require the mobile phone to be located within the area of at least three base stations, with it being necessary to synchronize the base stations to start timing when the mobile station transmits a signal. Furthermore, the mobile phone must transmit a signal to the base station, increasing signaling traffic. These disadvantages are explicitly avoided with the communication system and method recited in the claimed invention. In particular, it is unnecessary to locate the mobile phone in the area of more than one base station. It is sufficient for the mobile phone to receive coordinates from the cell responsible for the transmission. Based upon these coordinates, it is determined whether or not the cell forms part of the subscriber area.

Thus, Beliveau neither discloses nor suggests a cell transmitting characterizing coordinates which are used for determining whether the mobile phone is located in a subscriber area. Accordingly, Beliveau neither anticipates nor renders obvious the invention as recited in any claim pending herein.

DE 197 31 461 which has been cited in paragraph 27 of the Office Action but not applied against any claims, also remains irrelevant to the claimed invention for the following reasons. This citation discloses a communications system in which cell ID's (CID) and location area ID's (LAID) are stored in the mobile phone. The mobile phone receives from the base stations of the communication network, cell ID's or location area ID's which are compared with data stored in the mobile phone. However, this method requires a plurality of cell and/or location area ID's to be stored in the SIM card of the mobile phone which define the subscriber area.

Such requirement is unnecessary in the present invention because no comparison, but rather a calculation is made to determine whether the transmitted coordinates fall within the subscriber area. DE 197 31 461 also necessitates updating data stored in the mobile phone with a new configuration of the network requiring changes of the CIDs or LAIDs. This disadvantage does not occur with the present invention because the coordinates transmitted by the base stations remain identical, even when the cell and/or location area ID's are changed. Thus, this citation fails to suggest a system or method in which coordinates of at least one cell are transmitted.

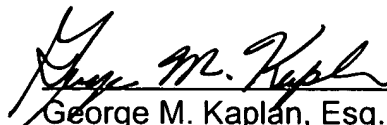
The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment and accompanying remarks, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions.

Early favorable action is earnestly solicited.

Respectfully submitted,

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